IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION No. 2609 of 2004.

Mr. P.V.V. Satyanarayana.

Petitioner.

Vs.

State of Maharashtra & Anr.

Respondents.

Sanjay Udeshi with Mahesh
Lovekar for the petitioner.

Shri.P.H. Hindolkar, A.P.P.for State.

CORAM : S.R. DONGAONKAR, J.
DATE : MARCH 23, 2006.

P.C.

. Heard the counsel for the parties.

. It appears that the petitioners are praying for quashing of the order on issue of process passed in Criminal Case No. 441/S of 2003 dated 29/9/2003 by the Additional Chief Metropolitan Magistrate, Girgaum, Mumbai. It appears that in such matter, this Court in Criminal Writ Petition No. 743 of 2005 [Order dated 10/6/2005] of Smt.V K. Tahilramani J.] that the petitioner should first approach to the Sessions Court by preferring suitable revision petition to challenge the order of issue of process.

. The legal position is not disputed by the learned counsel for the respondent. Hence

only order that can be, is to allow petitioner to prefer the revision before the concerned Sessions Court against the order of the Magistrate issuing process.

. Leave is granted to the petitioner to prefer revision, before the concerned Sessions Court. Interim stay granted by this Court, to be operative for further four weeks.

. Sessions Court to take sympathetic view regarding condonation delay, if any.

. On filing of necessary revision by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the parties expeditiously.

. This petition is disposed of.

S . R. DONGAONKAR, J.